



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Public Disclosure Commission

- ☒ Preproposal Statement of Inquiry was filed as WSR 02-15-170 ; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) Title 390 WAC – Rule relating to contribution withholding authorizations.

Purpose: To clarify statutory requirements under RCW 42.17.680.

Other identifying information: WAC 390-17-100 Contribution withholding authorizations.

(b) Statutory authority for adoption: RCW 42.17.370(1)

Statute being implemented: RCW 42.17.680

(c) Summary: The proposed rule changes conform to legislative changes to RCW 42.17.680 and provides direction to employers or other persons responsible for the disbursement of funds as to the prescribed format to be used when authorizing requests for payroll deductions for political contributions.

Reasons supporting proposal: The proposed rule amendments will clarify the statutory requirements under RCW 42.17.680 and provide guidance to those entities requesting written authorization for payroll withholding or diversion of wages for political contributions.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Doug Ellis	PDC 711 /Capitol Way, Rm 206, Olympia	(360) 664-2735
2. Implementation.... Doug Ellis	PDC 711 /Capitol Way, Rm 206, Olympia	(360) 664-2735
3. Enforcement..... Phil Stutzman	PDC 711 /Capitol Way, Rm 206, Olympia	(360) 664-8853

(e) Name of proponent (person or organization): Public Disclosure Commission

☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION:

Commission Hearing Room
Evergreen Plaza Building
711 Capitol Way, Room 206
Olympia, WA

Date: January 28, 2003 Time: 9:00 a.m.

Assistance for persons with disabilities: Contact
Ruthann Bryant by Telephone

TDD () _____ or (360) 753-1111

NAME (TYPE OR PRINT)

Vicki Rippie

SIGNATURE

Vicki Rippie

TITLE

Executive Director

DATE

12/16/02

Submit written comments to:

Doug Ellis (dellis@pdc.wa.gov)
Public Disclosure Commission
PO Box 40908
Olympia WA 98504-0908
FAX (360) 753-1112 By (date) January 21, 2003

DATE OF INTENDED ADOPTION: January 28, 2003

CODE REVISER USE ONLY

CODE REVISER USE ONLY STATE OF WASHINGTON FILED DEC 16 2002 1:21 WSR 03-01-088

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

The proposed rule changes would provide guidance to employers and other persons who request withholding authorization from employees to divert a portion of wages or salary for the purpose of making one or more contributions to a candidate or a political committee.

These proposed rule changes provide direction and clarification to employers, labor organizations, employees and the general public on statutory provisions of RCW 42.17.680.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

The proposed rule amendments will clarify the statutory requirements and provide guidance on the prescribed form used for contribution withholding authorization as provided in RCW 42.17.680.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ()
faxing: ()

☒ No. Explain why no statement was prepared
The implementation of these rules does not impact small businesses.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No

Please explain:

The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date JARRC has not made section 201 applicable to this rule adoption.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

WAC 390-17-100 Contribution withholding authorizations. (1) ~~((For purposes of RCW 42.17.680(3), all political contribution withholding authorizations existing on or before January 1, 1993, will expire no later than December 31, 1993. Beginning January 1, 1994,))~~ Each employer or other person who withholds or otherwise diverts a portion of wages or salary of a Washington resident or a nonresident whose primary place of work is in the state of Washington

(a) For the purpose of making one or more contributions to any political committee required to report pursuant to RCW 42.17.040, ~~(([42.17].050, [42.17].060 or [42.17].090 (1)(k))~~ 42.17.050, 42.17.065, 42.17.080 or 42.17.090, or

(b) For use, specifically designated by the contributing employee, for political contributions to candidates for state or local office is required for (a) and (b) to have on file the written authorization of the individual subject to the payroll withholding or diversion of wages.

(2) Employers may either use the suggested format below or their own form if it provides the following information:

(a) The name of the individual authorizing the withholding or diversion;

(b) The name of the individual's employer;

(c) The name ~~((, city and state))~~ of each political committee for which contributions are to be withheld;

(d) If more than one political committee is specified, the total dollar amount per pay period (or per week, month or year) to be withheld for each committee;

~~((e) ((The date on which the authorized withholdings or diversions are to be effective,~~

~~((f))~~ A statement specifying that the authorization ~~((is not valid for more than 12 months after the effective date))~~ may be revoked at any time and such revocation shall be in writing;

~~((g))~~ (f) A statement that reads: "No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (i) the failure to contribute to, (ii) the failure in any way to support or oppose, or (iii) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee;" or a statement that informs the employee of the prohibition against employer and labor organization discrimination described in RCW 42.17.680(2);

~~((h))~~ (g) The individual's signature; and

~~((i))~~ (h) The date on which the form was completed.

(3) Forms used for payroll deduction may have information in addition to that listed above. ~~((The forms may accommodate annual~~

~~re-authorization by providing space for the employee's signature and the date of re-authorization is signed, up to three re-
authorizations.))~~

Political Contribution Withholding Authorization

No employer or other person may withhold a portion of a Washington State resident's earnings (or that of a non-resident whose primary place of work is in Washington) in order to make contributions to a political committee that must report to the Public Disclosure Commission or to a candidate for state or local office without ~~((annual;))~~ written permission from that individual. Completion of this form entitles the entity specified to make such a withholding ~~((for no more than 12 consecutive months))~~. This authorization form remains in effect until revoked in writing by the employee.

I, _____, authorize _____
First Name Middle Initial Last Name Name of Employer or Other Person
_____ to withhold \$ _____ per/pay period/week/month/year/
Amount Circle One

from my earnings in order to make political contributions to _____
Name(, City and State) of _____

political committee(s) and/or candidate(s) to receive deductions

If more than one recipient is indicated, each is to receive the following portion of the deduction made: _____ ((This authorization is
valid for no more than twelve consecutive months. It is effective on _____
Month/Day/Year

and expires on _____:
Month/Day/Year))

Signature: _____ Date: _____

According to state law, no employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.

DRAFT AMENDMENT TO WAC 390-17-100

WAC 390-17-100 **Contribution withholding authorizations.** (1) ~~((For purposes of RCW 42.17.680(3), all political contribution withholding authorizations existing on or before January 1, 1993, will expire no later than December 31, 1993. Beginning January 1, 1994,))~~ Each employer or other person who withholds or otherwise diverts a portion of wages or salary of a Washington resident or a nonresident whose primary place of work is in the state of Washington

(a) For the purpose of making one or more contributions to any political committee required to report pursuant to RCW 42.17.040, ~~((.050, .060 or .090(k)))~~ 42.17.050, 42.17.065, 42.17.080 or 42.1.090, or

(b) For use, specifically designated by the contributing employee, for political contributions to candidates for state or local office is required for (a) and (b) to have on file the written authorization of the individual subject to the payroll withholding or diversion of wages.

(2) Employers may either use the suggested format below or their own form if it provides the following information:

(a) The name of the individual authorizing the withholding or diversion;

(b) The name of the individual's employer;

(c) The name ~~((, city and state))~~ of each political committee for which contributions are to be withheld;

(d) If more than one political committee is specified, the total dollar amount per pay period (or per week, month or year) to be withheld for each committee;

(e) ~~((The date on which the authorized withholdings or diversions are to be effective;~~

~~((f)))~~ A statement specifying that the authorization ~~((is not valid for more than 12 months after the effective date))~~ may be revoked at any time and such revocation shall be in writing;

~~((g)))~~ (f) A statement that reads: "No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (i) the failure to contribute to, (ii) the failure in any way to support or oppose, or (iii) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee;" or a statement that informs the employee of the prohibition against employer and labor organization discrimination described in RCW 42.17.680(2);

~~((h)))~~ (g) The individual's signature; and

~~((i)))~~ (h) The date on which the form was completed.

(3) Forms used for payroll deduction may have information in addition to that listed above. ~~((The forms may accommodate annual re-authorization by providing space for the employee's signature and the date of re-authorization is signed, up to three re-authorizations.))~~

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I, _____, authorize _____
First Name Middle Initial Last Name Name of Employer or Other Person
_____ to withhold \$ _____ per/pay period/week/month/year/
Amount Circle One
from my earnings in order to make political contributions to _____
Name(~~(, City and State)~~) of _____
political committee(s) and/or candidate(s) to receive deductions.

If more than one recipient is indicated, each is to receive the following portion of the deduction made: _____, ~~((This authorization is~~

~~valid for no more than twelve consecutive months. It is effective on-~~ _____
Month/Day/Year

and expires on- _____
Month/Day/Year))

Signature: _____ Date: _____

According to state law, no employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.